

**NGO Coalition for an Effective Human Rights Council**  
<http://www.hrw.org/sites/default/files/features/hrc2009/index.html>



April 20, 2009

To: Members of the United Nations General Assembly

Your Excellency,

We are a coalition of nongovernmental organizations from different parts of the world. We write to draw your attention to several candidates running for re-election to the Human Rights Council – Azerbaijan, China, Cuba, Russia and Saudi Arabia – whose human rights records fail to reflect the “highest standards” of human rights. In the absence of real progress to address human rights violations and firm commitment to fully cooperate with the Council, including its special procedures, we urge you not to support their candidacies.

General Assembly resolution 60/251, which established the Council, specifies that Council members shall be elected directly and individually, and that, in casting their ballots, Member States “shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments.” This requirement was intended to improve the membership of the UN’s leading human rights body. This year, however, the presence in most regions of “clean slates,” where the number of candidates equals the number of seats available in the region, threatens the integrity of UN reform and the credibility of the Human Rights Council.

The new electoral process of the Human Rights Council was intended to enable the international community to select governments with demonstrated commitment to human rights. It was not meant to follow the old practice of regional endorsements and General Assembly acclamation of regional states. For the credibility of the Council, it is essential that even where there are clean slates, Member States scrutinize each candidate's human rights record on its own merit and **cast their votes only for those countries that “uphold the highest standards in the promotion and protection of human rights” and “fully cooperate with the Council.”**

For more information, please visit the coalition's website at:  
<http://www.hrw.org/sites/default/files/features/hrc2009/index.html>.

## **Azerbaijan**

When it was elected to the Council in 2006, Azerbaijan pledged its “full[] commit[ment] to the promotion and protection of human rights and fundamental freedoms.” During Azerbaijan's three-year term on the Council, however, harassment and intimidation of human rights defenders, torture and ill-treatment in police custody, and detention of political prisoners have characterized its human rights record. The recent release of satirist and reporter Sakit Zahidov, three months before his three-year prison term expired, is welcome but does little to address the deteriorating media freedoms in the country. Five journalists still remain behind bars on dubious criminal charges. The human rights situation has deteriorated, and the government has demonstrated its unwillingness to address and prevent human rights abuses.

The government uses defamation and other criminal charges to silence independent media. Libel remains a criminal offense with large fines and up to three years' imprisonment. Journalists and human rights defenders face violent attacks, which the government fails to investigate and prosecute. Freedom of assembly and expression remain restricted. In the run-up to the recent elections in October 2008, the government denied opposition parties permission to hold rallies in central Baku, broke up several opposition demonstrations, and banned foreign television and radio companies from using satellite equipment for live broadcasting. The government continues to hold political prisoners. Torture and inhuman treatment in state custody are widespread.

## **China**

China's human rights record also falls short of the “highest standards.” Urgent human rights concerns include: the government's control and direction of judicial institutions and decisions, the use of “re-education-through-labor” and administrative detention, forced confessions and torture, sanctions on journalists, harassment and prosecution of human rights defenders, repression of ethnic Tibetans and Uighurs, and discrimination against rural citizens.

China fails to fully cooperate with the Council's independent human rights experts. As of April 2009, China has seven outstanding requests for visits from independent experts appointed by the Human Rights Council, ranging from 2002 to 2008. Even when it has permitted a visit, China has sometimes limited the expert's access. The independent expert on torture, after a decade of making requests and cancellations of two earlier invitations, finally visited China in 2005, but found that the government often obstructed or restricted his fact-finding. Despite this long

record of obstructing access, China claimed at its Universal Periodic Review in February 2009 that it maintains good cooperation with the Council's experts.

## **Cuba**

Cuba remains the one country in Latin America that represses nearly all forms of political dissent. The Cuban authorities use vague and overbroad criminal laws to silence government critics; harass and arbitrarily arrest and detain dissidents and journalists; and place excessive restrictions on freedom of movement within the country. The number of journalists imprisoned in Cuba is second only to the number in China.

For its Universal Periodic Review in February 2009, Cuba submitted a report denying the existence of political prisoners and falsely claiming that all those serving sentences had been prosecuted with all the guarantees of due process. At the review, it summarily rejected numerous recommendations that it release persons imprisoned for their non-violent political beliefs, repeal vague laws criminalizing "dangerousness," and allow the functioning of independent civil society. It also rejected the recommendations that it allow human rights defenders, dissidents, and journalists to exercise their rights to freedom of expression and association without risk of harassment, intimidation or persecution.

## **Russia**

Russia's human rights record similarly falls short of the "highest standards." During Russia's term on the Council, its human rights record at home has been characterized by tightening control over civil society by selective enforcement of a law governing nongovernmental organizations, restrictions on protected expression and the media, and harassment and violence against independent journalists, activists and human rights defenders. Other concerns include: abuses in the North Caucasus, a failure to address racism, xenophobia, and abuse of migrant workers, and violations of the right to health in treatment of HIV and drug dependence.

As a Council member, Russia has not cooperated with all of the Council's independent experts. Most notably, almost three years after inviting the Special Rapporteur on torture to visit, the government persists in its refusal to set terms that would permit an impartial and independent visit, de facto barring the Special Rapporteur from carrying out his visit to the country.

## **Saudi Arabia**

Saudi Arabia systematically suppresses the rights of 14 million Saudi women and of its minority Shia communities, and fails to protect the rights of foreign workers. Thousands of people receive unfair trials or are subject to arbitrary detention. Saudi Arabia is among only five countries that retain the death penalty for children in contravention of the Convention of the Rights of the Child, to which the kingdom is a party. Curbs on freedom of association, expression and religion remain serious concerns. The government severely curtails rights to peaceful assembly and political participation.

Saudi Arabia has also failed to fully cooperate with the Council. As of April 2008, Saudi Arabia has six outstanding requests for visits from the Council's special procedures. Several requests predate Saudi Arabia's candidacy for the Council in 2006. For its Universal Periodic Review in February 2009, Saudi Arabia submitted a report that contained little factual information on human rights violations, instead making references to laws and decrees without indicating to what degree, if any, they were being observed.

## **Conclusion**

Member states should use the election to assess candidly the shortcomings of these—and all—candidates' human rights records. Without real progress toward addressing these human rights violations and demonstrating full cooperation with the Council, including its special procedures, these candidate countries fail to meet the membership standards established by the General Assembly when the Council was created. We therefore urge your government to withhold support from these states.

Thank you for your attention to this matter. Representatives of the undersigned organizations would be pleased to meet with you to discuss further the points raised in this letter.

African Democracy Forum

Asian Forum for Human Rights and Development (FORUM-ASIA)

Asian Human Rights Commission (AHRC)

The Cairo Institute for Human Rights Studies

Commonwealth Human Rights Initiative

Corporacion Humanas Centro Regional de Derechos Humanos y Justicia de Género

Democracy Coalition Project

East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net)

FIDH – Fédération internationale des ligues des droits de l'Homme/International Federation for Human Rights

Freedom House

Human Rights Watch

People in Need